

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA**

YUKON DOOR AND PLYWOOD, INC.,

Plaintiff,

v.

STATE AUTO PROPERTY AND
CASUALTY INSURANCE COMPANY,

Defendant.

Case No. CIV-17-557-R

Removed from the District Court of
Canadian County, Oklahoma
Case No. CJ-2017-60

NOTICE OF REMOVAL

1. State Auto Property and Casualty Insurance Company (“State Auto”) is a defendant in a civil suit brought against it in the District Court of Canadian County, state of Oklahoma, titled *Yukon Door and Plywood, Inc. v. State Auto Property and Casualty Insurance Company*, Case No. CJ-2017-60.

2. True, correct and legible copies of Plaintiff’s Petition and the state court docket sheet are attached as Exhibits 1 and 2, respectively. Other pleadings filed to date are as follows:

- Entry of Appearance – D. Lynn Babb, Exhibit 3;
- Entry of Appearance – Amy S. Neathery, Exhibit 4;
- Entry of Appearance – Allison L. Haynes, Exhibit 5;
- State Auto’s Reservation of Time, Exhibit 6;
- State Auto’s Answer, Exhibit 7;

- Plaintiff's Response to Defendant's Affirmative Defenses, Exhibit 8; and
- Plaintiff's Responses to Defendant's Requests for Admission, Exhibit 9.

3. Plaintiff filed the state court action on January 31, 2017, in Canadian County, Oklahoma. Exhibit 1, Petition.

4. In its Petition, Plaintiff alleges that its property is located at 900 17th Street, Yukon, Oklahoma 73099. Exhibit 1, paragraph 1. Upon information and belief as verified through the Oklahoma Secretary of State, Plaintiff is an Oklahoma corporation with its principal place of business in Oklahoma. Defendant, State Auto Property and Casualty Insurance Company is a corporation incorporated under the laws of the state of Iowa, with its principal place of business in Ohio and is an insurance company registered to engage in the business of insurance in the state of Oklahoma. Exhibit 1, paragraph 2.

5. Plaintiff alleges that it is entitled to damages in excess of \$75,000. Exhibit 9, Response to Request for Admission No. 3.

6. Pursuant to 28 U.S.C § 1441 and 1446, State Auto removes this action to the United States District Court for the Western District of Oklahoma.

7. As demonstrated herein, there is complete diversity of citizenship between Plaintiff and Defendant, and the amount in controversy exceeds this Court's minimum jurisdictional limit, giving this Court original jurisdiction pursuant to 28 U.S.C. § 1332(a)(1).

8. This Notice of Removal is filed within thirty (30) days following receipt of discovery responses making this case removable. Removal has thus been timely accomplished.

9. Written notice of the filing of this Notice of Removal will be promptly provided to Plaintiff's counsel via regular mail. Also, a copy of this Notice of Removal will be filed with the clerk of the District Court of Canadian County, state of Oklahoma, as provided by 28 U.S.C. § 1446(d).

WHEREFORE, Defendant State Auto Property and Casualty Insurance Company removes this action to this Court, invoking this Court's jurisdiction.

Respectfully submitted,

s/ Amy S. Neathery

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Allison L. Haynes, OBA No. 32795
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CERTIFICATE OF SERVICE

This is to certify that on the 15th day of May, 2017, I electronically transmitted the above document to the Clerk of Court using the ECF System for filing. Based on the records currently on file, the Clerk of Court will transmit a Notice of Electronic Filing to the following ECF registrants:

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Attorneys for Plaintiff

s/ Amy S. Neathery

Amy S. Neathery